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FM AMEMBASSY PORT AU PRINCE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0278
INFO RUEHZH/HAITI COLLECTIVE PRIORITY
RUEHBR/AMEMBASSY BRASILIA PRIORITY 2369
RUEHMN/AMEMBASSY MONTEVIDEO PRIORITY 0416
RUEHSA/AMEMBASSY PRETORIA PRIORITY 2088
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1919

UNCLAS SECTION 01 OF 02 PORT AU PRINCE 000728

SIPDIS

STATE FOR WHA/EX AND WHA/CAR, S/CRS, INL FOR KEVIN BROWN,
HEATHER WILD, AND MEAGAN MCBRIDE
SOUTHCOM ALSO FOR POLAD, STATE PASS AID FOR LAC/CAR,
INR/IAA, DS/IP/WHA, WHA/EX PLEASE PASS USOAS

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [ASEC](#) [HA](#)

SUBJECT: VALIDATION OF SENATORS: POLITICAL CRISIS OR SAME
OLD SHENANIGANS?

REF: A. PORT AU PRINCE 00667

[1](#)B. PORT AU PRINCE 00706

[1](#)1. (U) SUMMARY: The Haitian Constitution of 1987 requires the seated Senate to validate the 11 newly elected Senators before they take office. Given alleged issues of credibility regarding the provisional electoral council (CEP) and the senatorial elections (reftel), it is unlikely that the Senate will have a quorum for the validation session unless an agreement is reached between the dissenting parties and President Preval. END SUMMARY

[1](#)2. (U) According to Article 108 of the Constitution, newly elected Senators must be validated by the seated Senate before they can take office. This provision requires a simple majority in order for the validation to take place. This requires 16 Senators out of the full 30 seats. Given there are currently only 18 Senators, a minority of 3 dissenting Senators may prevent a session from ever taking place.

[1](#)3. (U) As it stands, Senators Anacasis and Heriveaux have stated they will not participate in the validation session. They claim the election process to have been illegitimate, given the CEP,s alleged pro-Preval bias and the exclusion of Fanmi Lavalas from elections. In addition, the allegations of fraud in the South and Artibonite Departments made by the CEP,s Vice-President Rodol Pierre (reftel) has only fueled the plethora of grievances from losing candidates and political parties.

[1](#)4. (U) Several other Senators are expected to be absent at the validation session, itself not yet scheduled. Several political parties, including Fusion and OPL, have already stated they will not participate at the validation session and have condemned President Preval,s decision to publish the list of elected Senators before all objections are resolved. At least 6 Senators have thus far claimed that they will not engage in the validation process.

[1](#)5. (SBU) It remains nonetheless difficult to assess who will actually participate or not. In their conversations with PolOff, several insiders, including Senators Clerie and Anacasis, remain optimistic that differences can be resolved. The President of the Senate Kelly Bastien and President Preval are both keen to have the new Senators validated. Bastien recently announced that since the list of elected Senators has been officially presented by the President,

there are no legal obstacles to the Senators being registered (all have subsequently registered). However, a meeting he had called for on August 4 to discuss the validation issue only brought 5 Senators to the table, according to Senate Vice-President Andris Riche (himself OPL affiliated, and strongly against the validation). On the same day, Preval's office issued a press release stating that the CEP's decision is final and that there would be no investigation into the allegations of fraud. The CEP has also stated in a letter to the Organization of American States that it will not reconsider its position.

¶6. (U) One scenario suggested by government insiders would have the concerned parties agreeing to validate 9 of the 11 Senators while the 2 contested seats in the South and Artibonite await resolution. Micha Gaillard, spokesperson of the Fusion party, indicated that this would require President Preval's leadership. While most parties understand that there were irregularities with the elections, he believes that the validation could go through if an agreement were reached to exclude the 2 contested seats. Alternatively, rumors have it that there may be an attempt orchestrated by Preval to obtain the quorum by including the 11 newly elected Senators in the count. This remains unlikely.

¶7. (SBU) COMMENT: The validation is unlikely to occur until President Preval agrees to respond to the allegations of fraud in the South and Artibonite, either directly or through political bartering. The absence of a functioning Senate would further jeopardize the fragile political stability and halt the process of constitutional reform. This is

PORT AU PR 00000728 002 OF 002

especially relevant given uncertainty over the feasibility and legitimacy of major parliamentary elections at the end of this year (for one third of Senate and entire Chamber of Deputies). The possibility of unrest remains real, in the event Preval fails to come to an agreement with the concerned parties and given recent protests linked to the the minimum wage law (reftel). Preval is however known to be an able negotiator, and a protracted political deadlock is by no means a certainty. END COMMENT
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